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Docket No. 4233-4002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 09/865,773
Appellant : Aruna Rohra Suda et al.
Filing Date : May 25, 2001
For : SYSTEM AND METHOD FOR SAVING BROWSED DATA

Art Unit : 2177
Examiner : Srirama T. Channavajjala
Docket No. : 4233-4002
Customer No. : 27123

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APPEAL BRIEF/REPLY BRIEF/SUPPLEMENTAL BRIEF TRANSMITTAL

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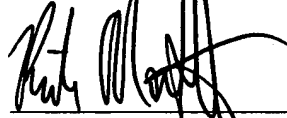
- ☒ Transmitted herewith is the Appeal Brief for Appellant(s) which is due on May 22, 2005. The Notice of Appeal was filed on March 17, 2005.
- ☐ Transmitted herewith in triplicate is the Reply Brief for Appellant(s) which is due on _____. The Examiner's Answer was mailed on _____.
- ☐ Transmitted herewith in triplicate is a Supplemental Brief for Appellant(s) which is due on _____ in response to the Office Action reopening prosecution on _____. Appellant(s) hereby request that the appeal of the above-identified application be reinstated.
- ☒ Applicants believe no additional extensions of time are necessary. However, if the Commissioner determines additional extensions are necessary, Applicants hereby petition for the additional extensions.

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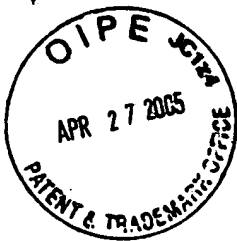
Respectfully submitted,



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**APPELLANT'S APPEAL BRIEF
PURSUANT TO 37 C.F.R. § 41.31(a)**

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 C.F.R. § 41.31(a), Appellants hereby appeal the pending rejection of Claims 1-15, 18-57, and 59-93, which have been twice rejected. Claims 1-15, 18-57, and 59-79 were first rejected in a March 15, 2004 Office Action and again in a November 22, 2004 Final Office Action. Claims 80-93 were first rejected in the November 22, 2004 Final Office Action and again in a February 23, 2005 Advisory Action.

I. REAL PARTY IN INTEREST

The real party in interest in this appeal is Saroa Kabushiki Kaisha, the assignee of the inventors.

II. RELATED APPEALS AND INTERFERENCES

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III. STATUS OF CLAIMS

Claims 1-15, 18-57, and 59-93 are pending in this application and were twice rejected as obvious over various combinations of prior art. Claims 1, 59, 60, 80 and 93 are independent in form. Claims 16, 17, and 58 were previously canceled. Appellants appeal the rejection of Claims 1-15, 18-57, and 59-93. An appendix including the text of the appealed claims is attached.

IV. STATUS OF AMENDMENTS

Appellants filed an Amendment After Final Rejection, on January 24, 2005, amending Claims 15, 26, 52, 57, 79, 80, and 93 to correct minor grammatical errors therein. The February 23, 2005 Advisory Action indicated that Claims 1-15, 18-57, and 59-93 remain rejected, but indicated that the Amendment After Final Rejection would be entered for purposes of appeal. In response, Appellants filed a Notice of Appeal on March 17, 2005.

V. SUMMARY OF CLAIMED SUBJECT MATTER

A. Claimed Subject Matter

In one aspect (Claim 1), Appellants' invention as claimed is directed to a data processing system. (p. 3, lines 4-9). The data processing system has a "setting means for setting a condition for web page data to be saved, in advance of acquiring the web page data." The specification discloses computer program logic that corresponds to the claimed function of "setting a condition for web page data to be saved." For example, FIG. 50 shows a User Settings user interface, in which a user can specify a URL that is to be excluded from automatic saving operations.

The data processing system of Claim 1 also has a "data acquisition means for acquiring web page data." The specification discloses computer program logic that corresponds

to the claimed function of “acquiring web page data.” Step 1503 of FIG. 15 shows a WebFetch() routine, that acquires web page data. The WebFetch() routine is described in more detail in FIG. 16.

The data processing system of Claim 1 further has a “determination means for determining whether the acquired web page data satisfies the condition.” The specification discloses computer program logic for “determining whether the acquired web page data satisfies the condition.” The specification discloses an exemplary embodiment that determines if an Automatic Save mode has been selected, and if so, current web page data is automatically saved, unless the current URL is one of the URL(s) which are to be excluded as specified by the user using the User Settings user interface shown in Fig. 50. (p. 32, line 14-16).

The data processing system of Claim 1 is further comprised of an “indexing means for assigning a predetermined index to the web page data if the web page data is determined to satisfy the condition, wherein the index is dynamically assigned to the web page data.” The specification discloses computer program logic for “assigning a predetermined index to the web page data.” FIG. 19C shows a KPTDocument data structure, which acts as an index in which information about web page data is stored. In Step S1612 of FIG. 16, a new file containing a KPTDocument data structure is created in a predetermined folder and assigned a predetermined name by the data processing system. In Step S1621 of FIG. 16, web page data is obtained from the browser and used to fill various fields of the KPTDocument data structure that was created in Step S1612.

The data processing system of Claim 1 is also comprised of a “saving means for saving the web page data determined to satisfy the condition and the assigned index in a predetermined storage unit.” The specification discloses computer program logic for “saving the

web page data determined to satisfy the condition and the assigned index in a predetermined storage unit” Fig. 65 shows a flowchart of procedural steps of a SaveFileContents() routine.

In another aspect (Claim 59), Appellants’ invention as claimed is directed to a computer-executable program for controlling a computer to perform a data processing method. (p. 3, lines 14-15). The computer-executable program has “a setting step of setting a condition for web page data to be saved, in advance of acquiring the web page data.” The specification discloses computer program logic that performs the claimed step of “setting a condition for web page data to be saved.” For example, FIG. 50 shows a User Settings user interface, in which a user can specify a URL that is to be excluded from automatic saving operations

The computer-executable program of Claim 59 also has “a data acquisition step of acquiring web page data.” The specification discloses an exemplary embodiment that performs the claimed step of “acquiring web page data.” Step 1503 of FIG. 15 shows a step in which a WebFetch() routine is invoked, which acquires web page data. The Webfetch() routine is described in more detail in FIG. 16.

The computer-executable program of Claim 59 further has “a determination step of determining whether the acquired web page data satisfies the condition.” The specification discloses an exemplary embodiment that performs a step to determine whether acquired web page data satisfies the condition that was set when the user entered a URL to be excluded from automatic saving operations, using the User Settings user interface shown in FIG. 50. The computer-executable program first determines whether an Automatic Save mode has been selected by the user. If the Automatic Save mode has been selected, the computer-executable program performs a step to determine if the currently displayed web page data is associated with

an excluded URL. If the web page data is not associated with an excluded URL, then the web page data is saved automatically. (p. 32, line 14-16).

The computer-executable program of Claim 59 is further comprised of “an indexing step of assigning a predetermined index to the web page data if the web page data is determined to satisfy the condition, without inputting any index.” The specification discloses an exemplary embodiment that performs the step of “assigning a predetermined index to the web page data if the web page data is determined to satisfy the condition, without inputting any index.” FIG. 19C shows a KPTDocument data structure, which acts as an index in which information about web page data is stored. In Step S1612 of FIG. 16, the exemplary embodiment creates a KPTDocument data structure in a new file, which is created in a predetermined folder and assigned a predetermined name. In Step S1621 of FIG. 16, web page data is obtained from the browser and used to fill various fields of the KPTDocument data structure that was created in Step S1612.

The computer-executable program of Claim 59 is also comprised of “a saving step of saving the web page data determined to satisfy the condition and the assigned index in a predetermined storage unit.” The specification discloses an exemplary embodiment that performs the step of “saving the web page data determined to satisfy the condition and the assigned index in a predetermined storage unit” Fig. 65 shows a flowchart of procedural steps of a SaveFileContents() routine

In yet another aspect (Claim 60), Appellants’ invention as claimed is directed to a data processing method. (p. 2, lines 6-8). The data processing method includes “setting a condition for web page data to be saved, in advance of acquiring the web page data.” The specification discloses an exemplary embodiment that employs the data processing method

including “setting a condition for web page data to be saved, in advance of acquiring the web page data.” For example, FIG. 50 shows a User Settings user interface of the exemplary embodiment that employs the data processing method, in which a user can specify a URL that is to be excluded from automatic saving operations

The data processing method of Claim 60 also includes “acquiring web page data.” The specification discloses an exemplary embodiment that employs the data processing method including “acquiring web page data.” Step 1503 of FIG. 15 shows a step in which a WebFetch() routine is invoked, which acquires web page data. The Webfetch() routine is described in more detail in FIG. 16.

The data processing method of Claim 60 further includes “determining whether the acquired web page data satisfies the condition.” The specification discloses an exemplary embodiment that employs the data processing method including “determining whether acquired web page data satisfies the condition.” The condition is set when the user enters a URL to be excluded from automatic saving operations, using the User Settings user interface shown in FIG. 50. The exemplary embodiment first determines whether an Automatic Save mode has been selected by the user. If the Automatic Save mode has been selected, the exemplary embodiment determines if the currently displayed web page data is associated with an excluded URL. If the web page data is not associated with an excluded URL, then the web page data is saved automatically. (p. 32, line 14-16).

The data processing method of Claim 60 further includes “assigning a predetermined index to the web page data if the web page data is determined to satisfy the condition.” The specification discloses an exemplary embodiment that employs the data processing method including “assigning a predetermined index to the web page data if the web

page data is determined to satisfy the condition.” FIG. 19C shows a KPTDocument data structure, which acts as an index in which information about web page data is stored. In Step S1612 of FIG. 16, the exemplary embodiment creates a KPTDocument data structure in a new file, which is created in a predetermined folder and assigned a predetermined name. In Step S1621 of FIG. 16, web page data is obtained from the browser and used to fill various fields of the KPTDocument data structure that was created in Step S1612.

The data processing method of Claim 60 also includes “saving the web page data determined to satisfy the condition and the assigned index in a predetermined storage unit.” The specification discloses an exemplary embodiment that employs the data processing method including “saving the web page data determined to satisfy the condition and the assigned index in a predetermined storage unit” Fig. 65 shows a flowchart of procedural steps of a SaveFileContents() routine.

In another aspect (Claim 80), Appellants’ invention as claimed is directed to a data processing method. (p. 2, lines 6-8). The data processing method has a step for “extracting data within a predetermined meta tag from a web page retrieved by a browser.” FIG. 6 shows procedural steps of a MAIN-PROCESSOR routine. Step S621 shows retrieving web page data, which includes HTML formatted data, from a browser. FIG. 16 shows a flowchart of procedural steps of a WebFetch() routine, which is used to process HTML tags in the retrieved web page data. Appellants disclose that “keywords embedded in the Meta Name tag . . . are extracted.” (p. 12, lines 6-7).

The data processing method of Claim 80 also includes “displaying, when the retrieved web page is displayed in an area, the extracted data in a predetermined field outside of the area. FIG. 27 shows an example of web page data that is retrieved from a browser. FIG. 24

shows an example of displaying the web page data of FIG. 27 in an area of a user interface of a web browser. The web browser contains another area labeled “Keywords:” that contains the terms “KPT, Yokoham” which have been extracted from the HTML meta tag of “<meta name=‘KEYWORD’ content=‘KPT, Yokohama’>” that is shown in the web page data of FIG. 27.

In yet another aspect (Claim 93), Appellants’ invention as claimed is directed to a computer-executable program for controlling a computer to perform a data processing method. (p. 3, lines 14-15). The computer-executable program has a “data acquisition means for acquiring data.” The specification discloses computer program logic that corresponds to the claimed function of “acquiring data.” Step 1503 of FIG. 15 shows a WebFetch() routine, which is described in more detail in FIG. 16.

The computer-executable program of Claim 93 also has a “determination means for determining whether a user requests saving of the acquired data.” The specification discloses computer program logic that corresponds to the claimed function of “determining whether a user requests saving of the acquired data.” FIG. 7 shows a flowchart of the procedural steps of a UserAction routine. In Step 703, the UserAction routine is determining if a user action, which has been assigned to a variable named “Act” is equal to “Quick Save.” Further, in Step 706, the UserAction routine is determining if a user action, which has been assigned to a variable named “Act” is equal to “Save.”

The computer-executable program of Claim 93 also has an “indexing means for assigning a predetermined index to the data requested for saving, said index dynamically assigned to the data.” The specification discloses computer program logic that corresponds to the claimed function of “assigning a predetermined index to the data requested for saving, said

index dynamically assigned to the data.” FIG. 19C shows a KPTDocument data structure, which acts as an index in which information about web page data is stored. In Step S1612 of FIG. 16, a file containing a new KPTDocument data structure is created in a predetermined folder and assigned a predetermined name by the computer-executable program. In Step S1621 of FIG. 16, web page data is obtained from the browser and used to fill various fields of the KPTDocument data structure that was created in Step S1612.

The computer-executable program of Claim 93 also has a “saving means for saving the requested data and the assigned index in a predetermined storage unit.” The specification discloses computer program logic that corresponds to the claimed function of “saving the requested data and the assigned index in a predetermined storage unit.” Fig. 65 shows a flowchart of procedural steps of a SaveFileContents() routine.

VI. GROUNDS TO BE REVIEWED ON APPEAL

Whether Claims 1-8, 13-15, 18-20, 58-71, 78-79, and 93 are unpatentable under 35 U.S.C. §103(a) over U.S. Patent No. 6,415,319 (“Ambroziak”) in view of U.S. Patent No. 6,038,598 (“Danneels”).

Whether Claims 9-12 and 72-74 are unpatentable under 35 U.S.C. §103(a) over Ambroziak and Danneels in view of U.S. Patent No. 6,578,078 (“Smith”).

Whether Claims 21-39 are unpatentable under 35 U.S.C. §103(a) over Ambroziak and Danneels in view of U.S. Patent No. 6,351,745 (“Itakura”).

Whether Claims 40-57 are unpatentable under 35 U.S.C. §103(a) over Ambroziak and Danneels in view U.S. Patent No. 6,571,295 (“Sidana”).

Whether Claims 75-77 are unpatentable under 35 U.S.C. §103(a) over Ambroziak, Danneels, and Smith in view of Sidana.

Whether Claims 80-92 are unpatentable under 35 U.S.C. §103(a) over U.S. Patent No. 6,516,312 (“Kraft”).

VII. ARGUMENT

A. Applicable Law

The Examiner has the burden of going forward to show that the Appellant’s claimed invention is obvious. In re Oetiker, 977 F.2d 1443, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992).

In rejecting claims under 35 U.S.C. §103, the examiner bears the initial burden of presenting a prima facie case of obviousness.... If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned.

In re Rijckaert, 9 F.3d 1531, 1534, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993).

With respect to the basic requirements for a prima facie case of obviousness, the Manual of Patent Examining Procedure (“MPEP”) provides:

To establish a prima facie of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

MPEP §2143 (Rev. 2, May 2004).

B. The Problem Addressed by Appellants’ Invention

In ordinary data processing systems, a user may employ a web browser, such as Internet Explorer, to retrieve web pages of interest from the Internet. During a web browsing session, the user may potentially view hundreds of web pages. Upon finding a web page of interest, the user might save a link—or bookmark—to the web page of interest to facilitate future

reference to that web page. The link—embodied by a Universal Resource Locator (“URL”)—is a global address of the resource on the Internet. There is, however, an inherent problem with only saving a link to the web page. The contents of the web page may change over time. Thus, when the user selects a saved link to a web page of interest, there is a danger that the page will no longer contain the sought after information. The user will then have to perform another time consuming web search to find comparable information.

Instead of saving a link to a web page, the user could save a local copy of the web page itself. Typically, a user saves a web page using the web browser software. Using Internet Explorer, for example, the user would select “File” from the main toolbar and then select “Save As...” from a pull-down menu to save the displayed web page. The user must then enter parameters to create a file in which to save the displayed web page. For example, the user can specify a directory in which to save the file, a name for the file and a file type/encoding format.

To display a locally saved web page, the user must locate and open the correct file containing the sought after web page data. If the user has many locally stored web pages, however, it may be very difficult to remember the path to the correct directory and the correct file name for a particular saved web page. If the user is not able to remember the path to the correct directory or the file name, the user could use a tool to search the system’s hard drive to locate the correct file, which may be a time consuming process.

C. Claims 1-8, 13-15, 18-20, 58-71, 78-79 And 93 Are Not Obvious Over Ambroziak In View Of Danneels

1. The Primary Reference, Ambroziak, is Deficient

The Examiner relies on Ambroziak for the disclosure of all but one limitation of independent claims 1, 59, 60 and 93. Ambroziak, however, is directed to an entirely different endeavor than the claimed invention. Rather than facilitating the conditional storage of web page data, Ambroziak discloses an artificial intelligence system for contextually organizing links to web content. (1/8-11). Accordingly, Ambroziak's primary thrust is defining systems for categorizing relationships among different topics. (3/25-31). Once categorized, the Ambroziak system saves a *link* to the web content. Ambroziak, therefore, does not address nor solve the problems in the art addressed by the Applicants' invention.

a. Ambroziak Does Not Disclose "Determining Whether The Acquired Web Page Data Satisfies The Condition"

Independent claims 1, 59 and 60, and their dependents, require "determining whether the acquired web page data satisfies the condition." Claim 93 requires "determining whether a user requests saving of the acquired data." The Examiner cites the following passages in support of the contentions that Ambroziak discloses these limitations.

When selected by the user, the new "GO TO URL" button 1390 instructs index controller 120 to provide the URL for a highlighted word or phrase to browser 210 to in turn access the identified server and to retrieve and display the corresponding Web page.

* * *

Index controller monitors browser 210 activity, retrieving notifications from browser 210 as the displayed Web pages selected by the user are displayed (step 910). In response to such notification, index controller 120 reprioritizes the URLs in the queue so that browse guide 100 assimilates concepts of the corresponding Web pages in a priority that closely matches the user's interest, as demonstrated by the Web page currently

displayed by browser 210. [col. 8, line 65-67, col. 9, line 1-2, line 16-22]

The Examiner, however, does not indicate what in these passages is the “determination” and what is the “condition.” It is unclear what in these passages discloses these limitations.

Moreover, claims 1, 59 and 60, and their dependents, require that “*the acquired web page data* satisfies the condition.” The cited passages of Ambroziak disclose reprioritizing a URL list in response to a notification from the web browser that the current web page is displayed. Ambroziak does not disclose any determination based on the content of web page data. At most, Ambroziak only reacts to a notification that the web page is displayed, which is unrelated to the content of the web page.

With regard to claim 93, the cited passage is completely unrelated to a user request to save any data. The Examiner, however, did not specifically articulate how this different limitation is satisfied by Ambroziak.

b. Ambroziak Does Not Disclose “Assigning A Predetermined Index To The Web Page Data If The Web Page Data Is Determined To Satisfy The Condition”

Independent claims 1, 59 and 60, and their dependents, require “assigning a predetermined index to the web page data if the web page data is determined to satisfy the condition.” Claim 93 requires “assigning a predetermined index to the data requested for saving.” The Examiner asserts that “Ambroziak teaches a system which including [sic] . . . ‘indexing means for assigning a predetermined index to the web page data if the web page data is determined to satisfy the condition, said index dynamically assigned to the web page data [col. 3, line 55-59, col. 5, line 49-56, col. 8, line 42-50] .’” (See November 22, 2004 Final Office Action, pp. 4-5).

As noted above, Ambroziak does not teach “determining whether the acquired web page data satisfies the condition.” Accordingly, Ambroziak also necessarily fails to teach an “assigning a predetermined index to the web page data *if the web page data is determined to satisfy the condition*” as recited in claims 1, 59, 60 and their dependents. Similarly, as noted above, the Examiner has failed to demonstrate where Ambroziak discloses the claim 93 limitation requiring a user request to save the acquired data. In Ambroziak the user does not expressly request the saving of data, thus, there is no disclosure of assigning a predetermined index to that data.

Ambroziak also fails to disclose a “predetermined index” as required in claims 1, 59, 60, 93 and their dependents. The claimed “predetermined index” provides the storage location for *subsequently* retrieved data, and, thereby, provides for the storage and later retrieval of the saved data. In contrast, the “conceptual index” disclosed by Ambroziak is generated by processing *previously* retrieved content. Thus, the “conceptual index” cannot be *predetermined* as required by the claim language. The “conceptual index” of Ambroziak is populated by the categorization data taken from the web page *after* it is acquired.

**c. Ambroziak Does Not Disclose A “Saving The Web
Page Data Determined To Satisfy The Condition”**

Independent claims 1, 59 and 60, and their dependents, require “saving the web page data determined to satisfy the condition.” Claim 93 requires “saving the requested data and the assigned index in a predetermined storage unit.” The Examiner asserts that “Ambroziak teaches a system which including [sic] . . . ‘saving means for saving the web page data determined to satisfy the condition and the assigned index in a predetermined storage unit’ [col. 6, line 16-26, line 43-45].” (See November 22, 2004 Final Office Action, pp. 4-5).

Based on Appellants' position that Ambroziak does not teach "determining whether the acquired web page data satisfies the condition," Ambroziak also necessarily fails to teach "*saving the web page data determined to satisfy the condition*" as recited in claims 1, 59, 60 and their dependents. Similarly, as noted above, the Examiner has failed to demonstrate where Ambroziak discloses the claim 93 limitation requiring a user request to save the acquired data. In Ambroziak the user does not expressly request the saving of data, thus, there is no disclosure of "*saving the requested data.*"

In addition, with regard to claims 1, 59, 60 and their dependents, one of ordinary skill in the art will readily understand that web page data is HyperText Markup Language ("HTML") formatted data. HTML formatted data includes HTML tags, which are HTML commands, associated attributes, and data enclosed in angle brackets. FIGS. 27, 29, and 33 of Appellants' Specification disclose examples of HTML formatted data acquired and saved by the computer-executed program of the present invention. Thus, the claimed "web page data" is HTML formatted data that can be used by a web browser to display the saved web page or portions thereof.

In contrast, Ambroziak only discloses saving a link in the "conceptual index" to the remote web server that had hosted a web page relevant to the select conceptual topic. Ambroziak actually teaches away from the storage of "web page data" through the disclosure of a "GO TO URL" button 1390 that provides the URL for a highlighted word or phrase in the conceptual index and passes the URL to browser 210 to access the identified server and to retrieve and display the corresponding web page. (See Ambroziak, col. 8, line 65 – col. 9, line 2). Ambroziak, therefore, expressly does not save "web page data" it links to the original web page and requests the data from the server on which it resides. This is contrary to one of the

express goals of the invention claimed by claims 1, 59, 60 and their dependents, i.e., to ensure the web page data viewed by the user is retained in its original form. Ambroziak's system re-downloads the requested data from the content provider and, therefore, risks that the content provider might change or remove the information of interest.

2. The Secondary Reference, Danneels, Is Deficient

Claims 1, 59, 60 and their dependents require "setting a condition for web page data to be saved, in advance of acquiring the web page data." The Examiner argues that, "Danneels disclosed 'setting means for setting a condition for web page data to be saved, in advance of acquiring the web page data' [see abstract, fig 1, col. 4, line 19-22]." (*See* November 22, 2005 Office Action, p. 6).

Danneels teaches a method for allowing a *server* to provide one of number of web page groups based on conditions set by the web site author. The web *server* system evaluates the condition to determine which of the web page groups to return in response to a user's request for a particular URL. (*See* Danneels, col. 2, lines 23-24). The condition in Danneels, therefore, is directed to the server side of the web browsing equation, not the client side. The idea is that the web site author can change the content displayed to web site viewers based on, for example, demographic information or input from the user. (Danneels, col. 1, lines 34-41).

Pending claims 1, 59, 60 and their dependents, in contrast, require "setting a condition for web page data to be saved in advance of acquiring web page data." Thus, Danneels fails to disclose this limitation in two ways. First, the condition in Danneels is unrelated to whether web page data is saved. Rather, in Danneels the condition determines which of a number of previously saved web pages are served by the web server. Second, the Danneels system is server related and thus is unrelated to the client action of "acquiring web page data."

3. There Is No Motivation To Combine Ambroziak And Danneels

Apart from the absence of required claim limitations, discussed above, there is no motivation to combine Ambroziak and Danneels.

The Examiner asserts that, “[i]t would have been obvious to one of the ordinary skill in the art at the time of applicant’s invention to incorporate the teachings of Danneels into intelligent network browser using incremental conceptual indexer of Ambroziak because both Danneels and Ambroziak are directed to internet browsing, more specifically browsing internet to retrieve web document(s) or web page(s) [see Danneels: Abstract; Ambroziak: Abstract], and both Danneels and Ambroziak querying specific web page(s), displaying using user interface [see Danneels: fig 1; Ambroziak: fig 12-13] and both Danneels and Ambroziak are from same field of endeavor.” (See November 22, 2004 Final Office Action, p. 6).

Ambroziak discloses a web *browsing system* that creates a taxonomy index of concepts contained in web pages that have been browsed by a user of the system. Danneels discloses a web *server system* for dynamically serving web pages. A person of ordinary skill in the art could not combine these references and arrive at the claimed invention. Ambroziak and Danneels are incompatible because the use of a server and the use of a browser are opposite ends of a web interface, thus the motivations of server and browser designers are inherently different. The server system of Danneels cannot be combined with the client system of Ambroziak to obtain a usable system, much less the system claimed. Accordingly, a person of ordinary skill in the art would not be motivated to make that combination.

Appellants, also, disagree with the Examiner’s assertion that Ambroziak and Danneels are in the same field of endeavor as each other, or even the same field of endeavor as the claimed invention. Asserting that both references relate to “internet browsing, more

specifically browsing [sic] internet to retrieve web document(s) or web page(s) . . . , and both Danneels and Ambroziak [sic] querying specific web page(s), displaying using [sic] user interface,” is too broad a categorization of the field of endeavor. While, a categorization of “internet browsing” might have defined a meaningful field of endeavor in the early-1990s, at the time of the invention internet activities cover a wide range of unrelated fields of endeavor. The very references cited by the Examiner support this point. Danneels is directed to operations preformed by a content publisher’s server. Ambroziak is directed an artificial intelligence system that can be used by a client system for content categorization. The claimed invention is directed to facilitating a user’s ability to retain and manage the large amount of important data encountered while browsing the internet. All of these operations take place in web based internet environments, but they are completely unrelated and directed to unique and distinct aspects of online communication and data retrieval.

D. Dependent Claims 9-12, 21-39, 40-57, 72-74 and 75-77 Are Not Obvious Over Ambroziak In View Of Danneels And Additional Applied References

The Examiner has rejected Claims 9-12 and 72-74 as being unpatentable under 35 U.S.C. §103(a) over Ambroziak and Danneels in view of U.S. Patent No. 6,578,078 (“Smith”). Smith is directed to a method of preserving the integrity of URL links. A Referential Preservation Engine (RPE) maintains a database in which storage link locations of documents on a web site and related reference information are stored. When a document is moved to a different storage location, the RPE updates web pages that contain URL hyperlink references to that document. An RPE also can track URL references to a user's favorite web sites and documents that are stored in an Internet browser; the URL references are updated when the resources they are linked to are moved or renamed.

The Examiner has rejected Claims 21-39 as being unpatentable under 35 U.S.C. §103(a) over Ambroziak and Danneels in view of U.S. Patent No. 6,351,745 ("Itakura"). Itakura is directed to a communication system for distributing messages, such as advertisements, to users of the communication system. The communication system is comprised of a communication network, user terminals, an information provider, a user database, a message database, and a transmittal condition database. The user database stores user information, such as personal characteristics of a user and whether the user is currently inactive or active, in the communication system. The information provider queries the user database to determine characteristics of active users. The information provider queries the message database for messages that are compatible with the characteristics of the active users. The information provider queries the transmittal condition database to determine when a particular message should be distributed to a particular user and transmits messages to users accordingly.

The Examiner has rejected Claims 40-57 as being unpatentable under 35 U.S.C. §103(a) over Ambroziak and Danneels in view U.S. Patent No. 6,571,295 ("Sidana"). The Examiner has rejected Claims 75-77 as being unpatentable under 35 U.S.C. §103(a) over Ambroziak, Danneels, and Smith in view of Sidana. Sidana is directed to a system for associating a web-viewable document with web-viewable modifications. The system is comprised of a communications network, a web browser, a web server, and a "redirector." The web browser sends a URL to the web server to request a particular web-viewable document from the web server. The request is intercepted by the redirector which, in turn, *requests the web-viewable document from the web server* on behalf of the web browser. The redirector uses the URL contained in the intercepted request to locate web-viewable modifications, such as web-viewable annotations or comments that may have been previously been stored on the redirector. If web-

viewable modifications are found for the requested URL, the redirector modifies the web-viewable document that was returned by the web server according to the web-viewable modifications and returns the modified web-viewable document to the web browser.

All of the above referenced claims depend directly or indirectly from independent claim 1 or 60. As such, they contain all the limitations of those claims. Applicants rely on the arguments in section VII(B), above, articulating the patentability of claims 1 and 60 to demonstrate the patentability of their respective dependent claims. Moreover, neither Smith, Itakura nor Sidana add any teachings that correct the deficiencies of Ambroziak and Danneels discussed above. Smith and Sidana expressly relate to on-line information and, therefore, pull any requested information from the originating sever rather than storing a local copy. The advertising system of Itakura is even further removed from the invention claimed in claims 1 and 60.

E. The Examiner Has Not Carried His Burden In Establishing A Prima Facie Case For The Rejection Of Claims 80-92 As Being Unpatentable Over Kraft

Claim 80 and its dependents require “*extracting data* within a predetermined meta tag *from a web page retrieved* by a browser; and displaying, *when the retrieved web page is displayed* in an area, the extracted data *in a predetermined field outside of the area*.” Thus, this claim language requires the display of the web page and the extracted data at the same time but in two different areas.

The Examiner argues that, “Kraft teaches a system which including [sic] ‘extracting data within a predetermined meta tag from a web page retrieved by a browser’ [col. 7, line 1-5, line 64-67, col. 8, line 18] . . . ‘displaying, when the retrieved web page is displayed in an area, the extracted data in a predetermined field outside of the area’ [col. 7, line 41-46, col. 11, line 22-38].” (See November 22, 2004 Final Office Action, pages 23-24).

Kraft discloses a system that builds summary abstracts of search results used in a search engine directed to a specific area of interest. The system highlights words in the generated abstracts that are contained in an existing directory of “domain-specific terms.” These highlighted, “domain-specific terms,” words are then further searchable to obtain additional information about the terms.

By way of example, the passages of Kraft cited by the Examiner discusses FIG. 6A, which shows a display screen that results from a user entering a desired query. (*See* Kraft, col. 11, lines 24-25). The search service provider 100 returns the search results, which include underlined domain-specific terms, in this example “RMI” is the domain-specific term. (*See* Kraft, col. 11, lines 25-27). When the user selects the domain-specific term “RMI” on the display screen of FIG. 6A, the display screen shown in FIG. 6B is generated. (*See* Kraft, col. 11, lines 29-30). As shown in FIG. 6B, a new browser window 400 is displayed, which displays the search results for the domain-specific term “RMI.” (*See* Kraft, col. 11, lines 34-38).

Kraft is inconsistent with the limitations of Claim 80 because the data displayed in the new browser window 400 or 402 is not data that has been extracted from a currently displayed web page as required by the claim language. In each of the display windows that are shown in FIGS. 6A-6C, only search results are displayed. There is no corresponding web page displayed from which information was extracted. When the user selects a domain-specific term from a search results display, the user is actually selecting a link to an external data repository, which results in information from the external data repository being displayed in a different browser window. The data shown in browser window 400 comes from the abstracts/indexed data repository 260. That is, the data shown in browser window 400 it is not extracted from a meta tag that is contained in the display of FIG. 6A. At most, a URL is extracted from one of the

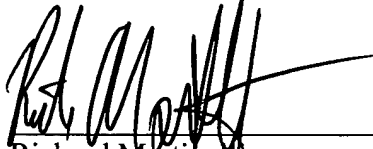
displayed web pages, but the URL is not displayed in the new browser window. Therefore, Kraft fails to disclose, teach, or suggest "extracting data within a predetermined meta tag from a web page retrieved by a browser; and displaying, when the retrieved web page is displayed in an area, the extracted data in a predetermined field outside of the area" as recited in claim 80.

Conclusion

For the reasons set forth herein, the rejections applied to Claims 1-15, 18-57, and 59-93 under 35 U.S.C. §103(a) should be reversed.

Dated April 26, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard Martinelli", written over a horizontal line.

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APPENDIX A

APPEALED CLAIMS

Claim 1. (previously presented) A data processing system, comprising:

setting means for setting a condition for web page data to be saved, in advance of acquiring the web page data;

data acquisition means for acquiring web page data;

determination means for determining whether the acquired web page data satisfies the condition;

indexing means for assigning a predetermined index to the web page data if the web page data is determined to satisfy the condition, said index dynamically assigned to the web page data; and

saving means for saving the web page data determined to satisfy the condition and the assigned index in a predetermined storage unit.

Claim 2. (original) The system according to Claim 1, wherein said data acquisition means acquires data from a browser client, said browser client allowing browsing of data in an internet.

Claim 3. (original) The system according to Claim 1, wherein the predetermined storage is a database, and said system further comprising data retrieving means for retrieving data from the database based on a user-supplied index, said user-supplied index specified by a user.

Claim 4. (original) The system according to Claim 1, further comprising:

sorting means for sorting indices of the data in the storage unit; and

display means for displaying a result of the sorting by said sorting means.

Claim 5. (original) The system according to Claim 4, wherein said sorting means performs the sorting based on a plurality of types of indices.

Claim 6. (original) The system according to Claim 4, further comprising:
selecting means for selecting an index from the indices displayed on said display means; and

retrieval means for retrieving data corresponding to the index selected by said selecting means from the database.

Claim 7. (original) The system according to Claim 4, further comprising:
deleting means for deleting at least one index from the indices displayed on said display means; and

removal means for removing data corresponding to the index deleted by said deleting means from the database.

Claim 8. (original) The system according to Claim 4, wherein at least one of the data has a plurality of values for an index, and said sorting means places the plurality of values at positions corresponding to respective values.

Claim 9. (original) The system according to Claim 2, said saving means comprising:

folder creation means for creating a new folder for newly browsed data;

file name assigning means for assigning a predetermined name to the newly browsed data without intervention by a user; and

file saving means for saving the newly browsed data in the new folder with the assigned file name.

Claim 10. (original) The system according to Claim 9, wherein said folder creation means creates the new folder with a folder name created based on a predetermined rule.

Claim 11. (original) The system according to Claim 10, wherein the folder name is a fixed name.

Claim 12. (original) The system according to Claim 2, said saving means comprising:

file name generation means for generating a unique file name for the newly browsed data without intervention by a user; and

file saving means for saving the newly browsed data with adding the generated file name.

Claim 13. (original) The system according to Claim 2, wherein said indexing means acquires a URL of the data from the browser as the index.

Claim 14. (original) The system according to Claim 2, wherein said indexing means acquires at least one of a keyword or a title embedded in the data from the browser as the index.

Claim 15. (previously presented) The system according to Claim 79, wherein each group corresponds to a network session.

Claims 16. – 17. (cancelled)

Claim 18. (original) The system according to Claim 13, further comprising word assigning means for assigning a word specified by a user as a further index to the data to be saved by said saving means.

Claim 19. (original) The system according to Claim 1, wherein if an index assigned to the data to be saved has been assigned to other data, said saving means saves the data as a new data or updates the other data according to a setting by the user.

Claim 20. (original) The system according to Claim 1, wherein if an index assigned to the data to be saved has been assigned to other data, said saving means inquires to the user whether the data is to be saved as a new data or an updated data.

Claim 21. (original) The system according to Claim 1, wherein said saving means saves the data in correspondence with an effective period, and said system further comprising:

comparing means for comparing the effective period with a current time at a predetermined timing; and

removal means for removing data in correspondence with the effective period before the current time based upon the result of a comparison by said comparing means.

Claim 22. (original) The system according to Claim 21, wherein the predetermined timing is a time when the system accepts no operations by a user.

Claim 23. (original) The system according to Claim 21, wherein said removal means requests a user to confirm the removal of the data and removes the confirmed data.

Claim 24. (original) The system according to Claim 21, wherein said removal means requests a user to confirm the removal of the data or removes the data without confirmation by the user in accordance with a setting by the user.

Claim 25. (original) The system according to Claim 21, wherein if the effective period is not specified by the user, said saving means saves the data in correspondence with a non-limited effective period.

Claim 26. (previously presented) The system according to Claim 2, wherein said saving means saves the browsed data in a first save mode and saves a URL for the browsed data in place of the browsed data in a second save mode.

Claim 27. (previously presented) The system according to Claim 2, wherein said setting means sets whether or not data linked to the browsed data is to be saved with the browsed data.

Claim 28. (previously presented) The system according to Claim 2, wherein said setting means can set to save all the browsed data without any instruction for each of the browsed data by the user.

Claim 29. (original) The system according to Claim 28, wherein said saving means saves the browsed data when the browsing is operated to move to another URL.

Claim 30. (previously presented) The system according to Claim 28, wherein said setting means can set not to save the browsed data in a URL specified by the user.

Claim 31. (previously presented) The system according to Claim 2, further comprising index extracting means for extracting as an index a specific data from a data train constituting address of the browsed data in the network on the basis of a predetermined rule.

Claim 32. (previously presented) The system according to Claim 31, wherein the specific data is a domain name.

Claim 33. (original) The system according to Claim 32, wherein the predetermined rule is a rule for eliminating a parameter, a protocol, an obvious address, and page data from the data train, and extracting a domain name from the rest of the data with referring to a knowledge base of domain names.

Claim 34. (original) The system according to Claim 31, wherein the specific data is a name of organization.

Claim 35. (original) The system according to Claim 34, wherein the predetermined rule is a rule for eliminating a parameter, a protocol, an obvious address, page data, and domain name from the data train, and determining the rest of the data as an organization name.

Claim 36. (original) The system according to Claim 35, wherein the predetermined rule includes a rule for dividing the rest of the data into partial data with a predetermined symbol and determining each of the partial data as an organization name.

Claim 37. (original) The system according to Claim 1, further comprising sending means for sending the acquired data or a specific part thereof to a destination.

Claim 38. (original) The system according to Claim 37, wherein the specific part is a URL of the saved data.

Claim 39. (original) The system according to Claim 37, wherein the specific part is the saved data except for an embedded image.

Claim 40. (original) The system according to Claim 2, further comprising editing means for editing the browsed data.

Claim 41. (original) The system according to Claim 40, wherein said editing means includes annotation means for adding an annotation to the browsed data.

Claim 42. (original) The system according to Claim 41, wherein said annotation means adds an annotation in such a manner that the annotation is distinguishable from the browsed data.

Claim 43. (original) The system according to Claim 40, wherein said editing means includes changing means for changing a display form of a designated portion in the browsed data.

Claim 44. (original) The system according to Claim 2, further comprising:
extraction means for extracting a predetermined type of data from the browsed data; and
extracted data saving means for saving the extracted data in the database.

Claim 45. (original) The system according to Claim 44, wherein said extraction means extracts data in a predetermined column in response to a copying operation of data from a specified portion of the browsed data to the predetermined column, and said extracted data saving means saves the extracted data with an attribute corresponding to the predetermined column.

Claim 46. (original) The system according to Claim 44, wherein the predetermined type of data includes at least one of an organization name, a person name, an E-mail address, a telephone number, a Fax number, and a keyword appended to the data.

Claim 47. (original) The system according to Claim 2, wherein if the data requested to be saved includes data in other URL, said saving means downloads the included data from the other URL.

Claim 48. (original) The system according to Claim 47, wherein if the data in the other URL has been downloaded, said saving means dispenses with the downloading of the data.

Claim 49. (original) The system according to Claim 2, further comprising mode selection means for selecting an automatic save mode, and in the automatic save mode, said

determination means always determines the user requests to save the browsed data without instruction for each of the browsed data.

Claim 50. (original) The system according to Claim 3, wherein said data acquisition means, said determination means, said indexing means, said saving means, and said database are equipped in a server apparatus, and said system further comprising at least one client apparatus connected to said server apparatus, each of said client apparatus transmits a user request to said server apparatus and receives a response to the user request from said server apparatus.

Claim 51. (original) The system according to Claim 50, wherein said data acquisition means in said server apparatus acquires data in an internet.

Claim 52. (previously presented) The system according to Claim 50, wherein said server apparatus further comprising:

a local database;

a web information storage device for storing web information acquired from an internet: and

administration means for administrating data in either of said database, said local database, and said web information storage device.

Claim 53. (original) The system according to Claim 52, wherein at least one of said client apparatus further comprising:

a client local database;

a client web information storage device for storing web information acquires from an internet: and

client administration means for administrating data in either of said database, said local database, and said web information storage device.

Claim 54. (original) The system according to Claim 3, wherein said database is equipped in a server apparatus, and said data acquisition means, said determination means, said indexing means, and said saving means are equipped in at least one client apparatus connected to said server apparatus.

Claim 55. (original) The system according to Claim 3, wherein said system includes a plurality of client apparatuses, and said data acquisition means, said determination means, said indexing means, said saving means, and said database are equipped in each of said client apparatuses, and each of said client apparatuses can access the database equipped in another client apparatus.

Claim 56. (original) The system according to Claim 3, wherein said database is equipped in a server apparatus, and index database for storing the indices of said database is equipped in at least one client apparatus connected to said server apparatus.

Claim 57. (previously presented) The system according to Claim 3, wherein said data acquisition means, said determination means, said indexing means, said saving means, and said database are equipped in a server apparatus, said data acquisition means acquires data in an internet, and said system further comprising at least one browser connected to said server apparatus, each of said browser browses a web page in the internet via said server apparatus and transmits a user action on the browsed web page to said server apparatus.

Claim 58. (cancelled)

Claim 59. (previously presented) A computer-executable program for controlling a computer to perform data processing, said program comprising codes for causing the computer to perform:

- a setting step of setting a condition for web page data to be saved, in advance of acquiring the web page data;

- a data acquisition step of acquiring web page data;

- a determination step of determining whether or not the acquired web page data satisfies the condition;

- an indexing step of assigning a predetermined index to the web page data if the web page data is determined to satisfy the condition, without inputting any index; and

- a saving step of saving the web page data determined to satisfy the condition with the assigned index in a predetermined storage unit.

Claim 60. (previously presented) A data processing method comprising:

- setting a condition for web page data to be saved, in advance of acquiring the web page data;

- acquiring web page data;

- determining whether the acquired web page data satisfies the condition;

- assigning a predetermined index to the web page data if the web page is determined to satisfy the condition; and

- saving the web page data determined to satisfy the condition with the assigned index in a predetermined storage unit.

Claim 61. (original) The method of claim 60, wherein said predetermined index is dynamically generated.

Claim 71. (original) The method of claim 60, wherein said data is acquired from a browser client, said browser client allowing browsing of data in an internet.

Claim 72. (original) The method of claim 71, further comprising creating a new folder for newly browsed data in said storage unit.

Claim 73. (original) The method of claim 72, further comprising assigning a predetermined file name to said newly browsed data.

Claim 74. (original) The method of claim 73, further comprising saving said newly browsed data in said new folder with said predetermined file name.

Claim 75. (original) The method of claim 74, further comprising editing the browsed data.

Claim 76. (original) The method of claim 75, wherein said editing includes adding an annotation to the browsed data, said annotation is distinguishable from the browsed data.

Claim 77. (original) The method of claim 71, further comprising:

extracting a predetermined type of data from the browsed data; and
saving the extracted data in the storage unit.

Claim 78. (original) The system according to Claim 14, wherein said indexing means displays the keyword or the title acquired from the browser.

Claim 79. (previously presented) The system according to Claim 1, wherein the index includes a time when the data is saved, said system further comprising:

node creation means for creating nodes corresponding to groups classified on the basis of the timing of saving, said node creation means creates a hierarchy of nodes by dividing a

group corresponding to a period into a plurality of sub group each corresponding to a shorter period and creating a node corresponding to each of sub group; and

node displaying means for displaying a plurality of nodes created by said node creation means in an order of saving.

Claim 80. (previously presented) A data processing method comprising the steps of:

extracting data within a predetermined meta tag from a web page retrieved by a browser; and

displaying, when the retrieved web page is displayed in an area, the extracted data in a predetermined field outside of the area.

Claim 81. (previously presented) The method according to claim 80, further comprising the step of saving the displayed web page in a storage unit in correspondence with the data displayed in the predetermined field as an index.

Claim 82. (previously presented) The method according to claim 80, wherein the predetermined meta tag is that of a keyword for the web page.

Claim 83. (previously presented) The method according to claim 80, wherein the predetermined meta tag is that of a title for the web page.

Claim 84. (previously presented) The method according to claim 80, further comprising the steps of:

displaying a list of indices for web pages saved in the storage unit;

receiving from a user a designation of an index in the displayed list of indices;

and

displaying the web page corresponding to the designated index.

Claim 85. (previously presented) The method according to claim 84, wherein the list of indices is displayed in another area when the retrieved web page is displayed in the area.

Claim 86. (previously presented) The method according to claim 84, further comprising the steps of:

sorting the list of indices; and

displaying the sorted list of indices.

Claim 87. (previously presented) The method according to claim 80, further comprising the step of editing the displayed web page.

Claim 88. (previously presented) The method according to claim 87, wherein said editing step, an annotation is added to the displayed web page.

Claim 89. (previously presented) The method according to claim 80, further comprising the step of sending the displayed web page or a part thereof to a specified destination.

Claim 90. (previously presented) The method according to claim 89, wherein said sending step is performed using an e-mail.

Claim 91. (previously presented) The method according to claim 89, wherein the displayed web page except for an embedded data is send in said sending step.

Claim 92. (previously presented) The method according to claim 80, wherein a URL of the displayed web page is saved instead of the web page in said saving step.

Claim 93. (previously presented) A computer-executable program for controlling a computer to perform data processing, said program comprising codes for causing the computer to perform the steps of:

data acquisition means for acquiring data;

determination means for determining whether a user requests saving of the acquired data;

indexing means for assigning a predetermined index to the data requested for saving, said index dynamically assigned to the data; and

saving means for saving the requested data and the assigned index in a predetermined storage unit.



APPENDIX B

EVIDENCE APPENDIX: None



APPENDIX C

RELATED PROCEEDINGS APPENDIX: None